

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NATASHA HARDING,

Plaintiff,

vs.

Case No. 2:18-cv-00702

SOUTHWEST DECOR EL PASO CORP.,
AND JOSHUA QUINTERO,

Defendants.

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. SECTION 1441(B)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants Southwest Decor El Paso Corp. and Joshua Quintero, through their attorney of record, Nicholas J. Rimmer of the Law Offices of Leonard and Ulibarri, submits this Notice of Removal of the above-captioned action to the United States District Court for the District of New Mexico from the Third Judicial District Court, Court of Dona Ana County, New Mexico, where this action is now pending, based on 28 U.S.C. § 1441(B), and as a basis for which, states:

The Complaint to Recover Damages for Personal Injury, which named Defendants Southwest Decor El Paso Corp. and Joshua Quintero for the first time in this cause, was filed in the Third Judicial District Court for the State of New Mexico on June 14th, 2018. Defendant Southwest Decor El Paso Corp. was served at its place of business in El Paso, Texas sometime on or about June 25, 2018. Therefore, Defendant's time to answer or remove with respect to the Complaint to Recover Damages for Personal Injury has not expired.

This Court possesses original Jurisdiction over this civil action pursuant to 28 U.S.C. § 1332. This action is properly removable pursuant to 28 U.S.C. §1441 as the amount in controversy exceeds \$75,000.00, exclusive of interest or costs, and the parties are citizens of different states.

Plaintiff has alleged damages in the amount of \$95,000.00 based on claims under state law, including negligence. See Exhibit A. The matter in controversy therefore exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

Plaintiff Natasha Harding was, at the time of filing, a resident of the State of New Mexico, County of Dona Ana. Defendants Southwest Decor El Paso Corp. and Joshua Quintero were, at the time of filing, residents of El Paso, Texas. *See Complaint to Recover Damages for Personal Injuries*, Exhibit B, P 1, ¶ 2-3. The citizenship of each party to this action is diverse from the other party in this action.

Attached as Exhibit B are copies of the pleadings available to Defendants Southwest Decor El Paso Corp. and Joshua Quintero in this case. Defendants Southwest Decor El Paso Corp. and Joshua Quintero have given written notice of the filing of this notice as required by 42 U.S.C. § 1446 (d) and, as also required by this section, has filed a copy of this Notice, contemporaneously, with the Clerk of the Court for the Third Judicial District Court, County of Dona Ana, State of New Mexico.

WHEREFORE, Defendants Southwest Decor El Paso Corp. and Joshua Quintero request that this action proceed in this Court as an action properly removed to the United States District Court for the State of New Mexico.

Respectfully submitted,

LAW OFFICES OF LEONARD AND ULIBARRI

Electronically submitted

By: /s/ Nicholas J. Rimmer

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I hereby certify that a true and correct
copy of the foregoing pleading was
filed electronically on July 23, 2018
and served on counsel of record by
First Class U.S mail to counsel as follows:

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Electronically signed by:

/s/Nicholas J. Rimmer

Nicholas J. Rimmer